

LOS ANGELES COUNTY ENFORCEMENT WORK PLAN

Agricultural Pesticide Division

January 1, 2009 through December 31, 2011

RESOURCES: AGRICULTURAL PESTICIDE USE ENFORCEMENT

***PERSONNEL**

I. Inspection Staff

- 4 Full-time Inspector IIIs @ 100%
- 1 Full-time Office Inspector III @ 50%
- 2 Full-time Inspector IIs @ 100%
- 1 Deputy commissioner @ 90%

II. Clerical Staff

- 1 Full-time staff @ 80%
- 3 Full-time staff @ 30%
- 1 Full-time staff @ 10%

***PERSONNEL HOURS ALLOCATED TO THE PESTICIDE ENFORCEMENT PROGRAM**

- Approximately 18,997 hours are available for a fiscal year.
- This includes supervision and clerical hours. This equates to 6.5 licensed inspector years, .9 deputy year and 1.8 clerical years.

***ASSETS AGRICULTURAL PESTICIDE ENFORCEMENT**

- Each Inspector III has a vehicle for his/her exclusive use.
- Both Inspector IIs have access to vehicles or use their personal vehicles when working in the field.
- Each Inspector II and all clerical staff have dedicated workstations with terminal access including the office Inspector III and one district Inspector III who work out of the Arcadia Headquarters.
- The three remaining Inspector IIIs work out of field offices located in Lomita, Lancaster, and Sylmar. All three inspectors have dedicated terminals.
- New inspectors rotated into the division receive initial training from the inspector they are replacing and the pesticide deputy. Inspector IIs also receive training on how to conduct inspections and investigations from the senior inspectors and the pesticide deputy.

AGRICULTURAL PESTICIDE WORK ASSIGNMENTS

- Each of the four senior inspectors are assigned to a specific district within the county. One covers the Antelope Valley and the remaining three cover the greater

Los Angeles basin area and adjacent Santa Clarita Valley. The senior inspectors conduct annual headquarters record, inspections, issue restricted material permits, issue operator ID's, monitor pesticide applications, investigate complaints and pesticide related episodes/illnesses, conduct pre-application site evaluations and field worker safety inspections. They collect statistical data for crop and non-crop growers within their districts which is used for production of the Department's Annual Crop Report.

- The two junior inspectors work primarily in the Headquarters office. They are assigned responsibilities to: process monthly pesticide reports, review out of county restricted material permit applications and issue permits, conduct Private Applicator exams and issue certificates, review NOIs (entering into the database and forwarding to senior inspectors), file and distribute DPR communications (ENF's, SLN's, Section 18's and various bulletins), write and process NOPA's, warning letters and decision letters, prepare and process hearing documents, respond to calls from the public or industry and provide requested information or service (e.g., answer questions, receive episodes, send forms, etc.), assist with the compilation of data and preparation of the Crop Report, and assist senior inspectors with various inspections, issuance of permits and operator IDs including covering their respective districts during scheduled vacations.

*EXPECTED WORKLOAD-PERMITS AND OPERATOR ID ISSUANCE

(Anticipate equivalence to 2007)

- Total Restricted Material permits issued in the calendar year 2007 - [500](#)
- Production Ag/Crop - [77](#)
- Production Ag/Ornamental Nursery Stock - [26](#)
- Non-Production Ag(Golf Courses, Parks, Govt. Agencies, etc.) - [214](#)
- PCO's - [183](#) (Includes - [93](#) Non-Ag. Permits)
- Of the total permits issued, 4 were for methyl bromide commodity fumigation and 5 were for strawberry field fumigation.
- Total Operator ID's issued in 2007 - [307](#)
- Production Ag/Crop - [109](#)
- Production Ag/Ornamental Nursery - [119](#)
- All Others - [79](#)
- Notices of Intent - [3739](#)
- Total private applicator certificates issued (3-yr period) - [133](#)

*EXPECTED WORKLOAD-COUNTY REGISTRATION

- PCA's registered - [131](#)
- PCO's registered - [301](#)
- MG's registered - [90](#)

DESCRIPTION OF CORE ACTIVITIES-RESTRICTED MATERIALS PROGRAM

***SITE MONITORING/HAZARD EVALUATION**

- The Inspector IIIs are responsible for site evaluations and issuance of permits in their districts. Aerial views of sites throughout the county are available via the Internet. All inspectors have Internet access.
- Operator ID assignees and permit applicants are annually inspected by their respective district inspectors. Inspector IIs can write both. They receive training prior to issuing permits or ID's and an Inspector III reviews their paperwork. All permits are evaluated by the Deputy.
- Targeted pre-site and application monitoring inspections include all methyl bromide soil fumigations and all aerial applied pesticides within the greater Los Angeles basin. (Aerial applications in Los Angeles County of ANY non-restricted or restricted pesticide requires a 24-hr NOI.)
- There are 4 sites where methyl bromide is used to fumigate soil prior to strawberry planting. These sites and existing conditions have been static. Adequate buffer zones are established. Each year, prior to issuance of a methyl bromide permit, the sites are re-evaluated along with the grower's work site plan by the district inspector to verify no new conditions exist and the established buffer zones meet requirements. One grower has switched from methyl bromide to Inline (1,3-Dichloropropene). This site is also re-evaluated annually along with the grower's work site plan to verify no new conditions exist and the established buffer zones meet requirements.
- Methyl bromide commodity fumigation permits are re-issued on an annual basis. District inspectors review work site plans and conduct site evaluations prior to issuance of a permit. Fumigation monitoring is conducted on a random non-scheduled basis. An average of 20 or more inspections are conducted on an annual basis.
- Metam sodium applications adjacent to sensitive sites are also targeted. Extensive supplemental permit conditions have been developed for all metam sodium field fumigation applications. A copy of these conditions is included with this work plan.

DESCRIPTION OF CORE ACTIVITIES-COMPLIANCE MONITORING

***PRIORITY INVESTIGATIONS**

- In the past 7 years, the Agricultural Pesticide Regulation Division has had 5 priority investigations. Three were suicide attempts, one involved pesticide exposure, and one involved a helicopter crash and pilot fatality.

***ROUTINE INVESTIGATION/COMPLAINTS**

- The number of episodes investigated has averaged 16 for each of the last 3 years.
- Over the last 7 years our investigations have resulted in three compliance actions

(3 warning letters) and eight enforcement actions with civil penalties. Three of these involved PCO's, and the other four were against employers due to their employees not utilizing PPE and suffering injury. One of our actions resulted in a hearing. The hearing officer upheld the proposed action, but reduced the fine amount.

- During the last 7 years, we completed a total of 114 episode investigations. Three of these exceeded the 120 day period: One of these was due to a lab result delay (160 days to complete); the other two were due to slow response from the person involved (138 days and 134 days to complete).
- We have been able to reduce the number of complaints going to the district inspectors for investigation through training of office staff in conducting a more thorough screening while interviewing the complainant. The reduction of episodes has been of the type involving neighbor vs neighbor. The majority of our episode investigations now are generated from illness reports, documented incidents, and legitimate complaints.

*INSPECTIONS

- Ornamental nursery stock production continues to be L.A.'s leading crop. Almost 65% of our total annual crop production value is generated by this industry. Monitoring of pesticide applications by nurseries is a major focus. Pesticide handler workers safety issues are one concern. The majority of non-compliances observed at production nurseries involved PPE.
- The number of field worker safety inspections performed has averaged 39 for each of the last 7 years. Inspections are conducted at agricultural and ornamental sites. The greater percentage of inspections conducted were at wholesale nurseries. The department will continue to monitor field worker safety compliance.
- The proximity of most of the nurseries to residential areas and other sensitive sites is another reason for concern and reason to monitor pesticide activity.
- Due to the proximity of strawberry acreage to sensitive sites (ALL are located within the greater basin area of the county), every methyl bromide application is monitored. The Department budgets overtime to assure coverage of applications on weekends, if necessary. Applications of methyl bromide to strawberry acreage traditionally occur between July and September.
- The Department will also budget overtime to cover other high profile applications such as the three aerial applications which occurred over the last two years in the greater basin area of the county.
- New regulations to reduce emissions of volatile organic compounds (VOCs) went into effect in 2008. The regulations apply to the field fumigation use of seven fumigants during the period of May 1st through October 31st, each year. Los Angeles County is within two of the ozone non attainment areas identified in the state. Additional time for inspections and reissuing of restricted materials permits is now required. The amount of additional workload will be determined by the

number of permit request received.

- Chemigation is widely used by growers in the Antelope Valley area of the county. This pesticide application method is primarily used in carrot and onion production. Metam sodium and other non-restricted pesticides have been traditionally used about equally. We plan to continue our monitoring of both restricted and non-restricted pesticide chemigation application.
- The most common problem associated with chemigation is the type of equipment used to operate the pesticide injection pumps at remote sites. The gas powered low horse power motors are often unreliable and the interlock shut off control fails to function properly. In an effort to solve the chemigation equipment problem, improve efficiency and reduce operational costs, a major grower has switched to a more dependable positive displacement pump. The other common non-compliance is lack of use of PPE by the applicator.
- Inspectors will continue to randomly monitor chemigation applications to assure compliance.
- Pest control record inspections are another major component of the Department's pesticide regulation program. Inspectors traditionally inspect the records of over 70 pest control businesses, 160 production agriculture businesses and 200 other types of businesses and agencies that apply pesticides to their properties.
- Applications by CDFA to eradicate fruit fly infestations or other state eradication projects such as Diaprepes Root Weevil, Asian Gypsy Moth and Light Brown Apple Moth Weevil, are also monitored each time a new area is treated. Public concern regarding general pesticide use necessitates this action.

*REVIEW PROCESS

- All inspections, investigations, and applications for permits and operator ID numbers are reviewed by Pesticide Deputy for completeness and accuracy.
- DPR Enforcement Liaison Peggy Byerly schedules visits to audit the division's records and work in the field with inspectors. Oversight inspections conducted to ensure consistency with state guidelines may uncover discrepancies. If a discrepancy occurs, the Pesticide Deputy will review the inspection procedure with the inspector to ensure that correct procedures are understood and the error is not repeated.

*ENFORCEMENT PROGRAM

- When a non-compliance is observed by an inspector during an inspection, the inspector will assign a violation number to the inspection form and provide a copy of the form to the person inspected.
- The inspection form is forwarded to the pesticide deputy for review and further action. A copy of the inspection form is stamped with bold and large red lettering "VIOLATION NOTICE." This copy serves as the violation notice and is mailed to the business owner or property operator which had been inspected. The

inspector keeps a copy of the inspection so that they can follow up on any violations that were not corrected at the time of inspection.

- If a violation is uncovered during an episode investigation, the non-compliance is documented on a Notice of Violation form. The notice is forwarded to the Pesticide Deputy for review and action. A copy is mailed to the person/firm in violation.
- The inspection data, notices of violation and the enforcement or compliance actions are entered into the pesticide data base. Additionally, a hard copy violation file is established and kept with the program record files. This is done to establish a compliance history of the person/firm inspected.
- Follow-up inspections are difficult to conduct regarding landscape companies, due, in certain cases, to low frequencies of applications, the fact that they may be headquartered outside of the county, or low probability of contact with the same firm due to the large urban area which comprises Los Angeles County. Low frequency of applications can also impact follow up inspections involving growers.
- The Pesticide Deputy makes the decision on which action to take regarding violations. The process includes a review of the regulated entity's compliance history. Subsequent violations in a two year period will result in a higher fine or a raise in fine category.
- In general, all violations are considered for civil penalty action on the first occurrence. If a business license is not possessed, but required by the firm inspected, a stop work order is also issued. Compliance actions in the past have been taken in the form of a violation notice or both violation notice and warning letter for minor oversight violations.
- The Pesticide Deputy's recommendation for an enforcement action or compliance action is forwarded to the Bureau Deputy for review and approval.
- Once a NOPA has been written for a civil penalty action, the NOPA is forwarded to the commissioner for review and signature.
- If a hearing is requested by a respondent, the Pesticide Deputy serves as the Department's advocate. During the past 7 years, a total of 12 hearings were held. The civil penalty actions, with the exception of one, were upheld. In that case, the PCO stipulated to two code sections and requested a hearing on the third section alleged to be non-compliance. The Hearing Officer ruled in favor of the PCO.

*GOALS FOR THE AGRICULTURAL PESTICIDE PROGRAM

- In 2002 the Ag Pesticide Division developed and published a "Grower's Guide" to provide general information on what is required of a grower who uses pesticides or has pesticides applied by a pest control company for the production of agricultural or ornamental commodities. The guides covered the basic requirements including record keeping, labels, training, field posting, PPE, medical care information, decontamination facilities, equipment and storage. Three hundred copies were published and distributed. In 2006, the Department

re-ordered an additional 400 copies of this guide for future distribution. The guide is also available online at <http://acwm.co.la.ca.us> In February 2008 a guide similar to the "Growers Guide" was published. This informational booklet was distributed to all non-production property operators throughout the County, (Golf Courses, Cemeteries, Parks, Public Agencies, etc.), as part of an additional outreach to pesticide users.

- The monitoring of landscape pesticide applications to residential, industrial and institutional sites by PCO's and Landscapers are areas where we intend to increase our attention. The majority of violations written continues to come from this part of the industry. Lack of PPE use, training, and possession of a valid state business license are the most common violations. To improve overall compliance, the Department initiated an outreach program targeting Landscape Contractors conducting business within Los Angeles County. An informational letter regarding state pest control business license and county registration requirements was developed. A total of 4,025 Landscape Contractors, located in Los Angeles, Ventura, Orange, San Bernardino and Riverside Counties were mailed a copy of the letter in August 2006. The department will continue to monitor applications conducted by landscape companies to assure compliance. In addition, the Department will also provide outreach to potential clients of Landscape Companies such as Housing Authorities, Apartment Owner Associations and cities located within the County. The information provided will cover state licensing and county registration requirements, workers safety issues, notification requirements, and other pertinent regulations.
- Outreach to first responders, (L.A. County Fire Department, Hazardous Material Force), was initiated in November 2008. The training was provided to Fire Department personnel located in the Antelope Valley.

Los Angeles County Enforcement Work Plan for 2009 thru 2011 (calendar years)

Resources Pesticide Use Enforcement

Personnel:

Structural Program:

Branch I - 4 full time inspectors - 100%

Branch 2/3 - 3 full time inspectors - 100%

2 licensed office inspectors full time - 100% working for all three branches

1 Deputy Agricultural Commissioner/Sealer to oversee program - 100%

1 clerical full time

2 part time employees that assist in data entry and the answering phones

1 Office Inspector III - shared between both Agricultural and Structural Pesticide programs

Staff hours available to the Structural Pesticide Enforcement program

Licensed hours- approximately 20,887

Approximately 8448 hours are available for Branch I inspections

Approximately 6336 hours are available for Branch II/III inspections

Deputy has 1879 available

Office inspectors have 4224 hours available

Unlicensed staff has approximately 3549 hours available for the Structural Pesticide program

Assets:

All 7 Field inspectors has a vehicle for his/her exclusive use

We have a work station and computer available for each inspector (Field and Office)

Overview of current Structural Pesticide program:

To assure the commercial application of pesticides (insecticides, herbicides, rodenticides, antimicrobial disinfectants, etc.) that are applied in and around structures are safe for applicators, occupants, public, environment and other non-target organisms.

We would accomplish this through inspections, education, and prosecution of violations. The areas found in noncompliance would be enforced under the Laws and Regulations of California. These Laws and Regulations are found in the Food and Agricultural Code, California Code of Regulations and the Business and Professions Code.

Core Activities of Structural Pesticide Program:

There are four areas that this program oversees:

1) Branch I fumigations - this involves the inspections of companies and their employees that have been contracted to perform structural fumigations. The inspections cover the application phase, aeration phase and the certification of each structure that has been fumigated. Los Angeles County is now one of four California counties authorized by law to collect a five dollar fee for each fumigation performed, facilitating increases in undercover and partial inspections.

2) Branch 2 - involves the inspection of companies and their licensed employees that perform pest control for hire. These inspections oversee the use of pesticides and the equipment used to apply them in and around structures, including household and commercial buildings.

3) Branch 3 - involves companies that only perform treatment of structures with pesticides to eliminate termites that have invaded the structure and termite inspections.

4) Investigations - The county has the responsibility and the authority to investigate episodes that may have involved potential or actual human illness or injury, property damage, loss or contamination and fish or wildlife kills alleged to be the result of the use or presence of a pesticide (with the assistance of Department of Pesticide Regulation, DPR). We will provide to DPR from our investigations sound and factual information that would give a clear picture of what occurred in the episode. These reports will assist the DPR Worker Health and Safety and Registration Branches to assess exposure risks and to evaluate the pesticides involved. All episodes are assigned to an area inspector for investigation with State mandated time limits for completion (120 total days).

Priority Investigations - In the past five and half years, the Structural program has had 43 priority investigations. These investigations have ranged from two homes that have blown up to several people getting sick from entering a fumigated home and/or commercial establishment that had been under fumigation.

Routine Investigations/Complaints - Los Angeles County has conducted an average of 150 investigations per year over the last four years. About 50 % of these investigations involve alleged exposure to antimicrobials. In the last 4 years, we have completed over 96 % of our investigations in the allotted time frame of 120 days (current year is at 99.25 %)

Expected Workloads: Structural Program Compliance Monitoring (Inspections & Investigations)

Branch I- totals for 4 field inspectors

1200 structural commercial business and home inspections- including applications, aerations, and certifications.

1000 partial inspections, part of Los Angeles County's 5 dollars fee inspection program.

30 undercover aeration inspections

10 undercover certification inspections

40 office records inspections (inspect every company registered to do work as a Branch 1 company in Los Angeles County)

15 to 20 Branch 1 episode investigations
Branch 2/3 - totals for 3 field inspectors

60 Branch II use inspections
20 Branch III use inspections
200 combined HQ/Employee office records inspections
165 Branch 2, 3 related episode investigations (number will vary each year; obligated to completed all pesticide and antimicrobial related episodes)

Structural Enforcement and Compliance Actions: Review Process

All inspections are reviewed by a licensed pesticide staff member and/or the Deputy for completeness.

New inspectors are trained by our veteran staff and Deputy of the program and they also receive annual Structural Pesticide Training Program sponsored by DPR and SPCB.

DPR Enforcement Branch Liaison (EBL), Peggy Byerly, schedules her visits to include working with all the district inspectors and to observe work in all 3 branches of structural pesticide program.

When a violation is noted on an inspection report, a Notice of Violation is generated by the inspector, and reviewed by the Deputy. Then a copy is sent to the person/company inspected as the official violation notice.

The violation is further reviewed by the Deputy to see if the violation requires additional action. The reviewer looks at the past compliance history of the person and/or company involved in the violation. Once this has been determined, a fine level (Civil Penalty Action) will be set and a Notice of Proposed Action is written and sent to the person and/or company in violation.

Goals for the Structural Pesticide Outreach Program:

- 1) Because of the continued success of our undercover Branch I program, we will maintain the program at it's current levels (inspecting both certification and aeration applications).
- 2) Possible outreach for this year is to develop an information packet covering all pesticide Laws and Regulations as that would apply to Hotels and Motels use of pesticides and antimicrobials.
- 3) Continue with the program as designed in past years, but being able to redirect to new areas as the need(s) arise.